

ORIGINAL

(168)
3/7/01

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOHN RICHARD JAE,

Plaintiff

v.

**SUPERINTENDENT DRAGOVICH,
et al.**

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No. 1: CV-00-2123

(Judge Rambo)

(Magistrate Judge Smyser) ✓

DEFENDANTS' MOTION TO DISMISS THE COMPLAINT

Defendants through their counsel, hereby respectfully move the Court to dismiss the complaint pursuant to Fed.R.Civ.P. 12(b)(6).

The Court should grant this motion for the reasons set forth in defendants' supporting brief to be filed within the time period prescribed by the Local Rules of Court for the United States District Court for the Middle District of Pennsylvania and the Federal Rules of Civil Procedure.

WHEREFORE, the Court should dismiss the complaint.

Respectfully submitted,

**D. MICHAEL FISHER
Attorney General**

By:


**MICHAEL L. HARVEY
Senior Deputy Attorney General**

**SUSAN J. FORNEY
Chief Deputy Attorney General
Chief Litigation Section**

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DATE: March 6, 2001**

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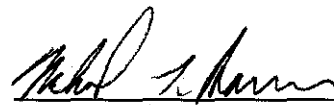
(Judge Rambo)

(Magistrate Judge Smyser)

CERTIFICATE OF SERVICE

AND NOW, this 6th day of March, 2001, I, MICHAEL L. HARVEY, Senior Deputy Attorney General, counsel for defendants in the above-captioned action, hereby certify that I this day served the foregoing Defendant's Motion to Dismiss by causing a copy of the same to be deposited in the United States mail, postage prepaid, at Harrisburg, Pennsylvania, addressed to the following:

John Richard Jae, BQ-3219
SCI-Greene
175 Progress Drive
Waynesburg, PA 15370-2902



MICHAEL L. HARVEY
Senior Deputy Attorney General

DATE: March 6, 2001